

# BIRCH, STEWART, KOLASCH & BIRCH, LLP

A

TERRELL C. BIRCH  
RAYMOND C. STEWART  
JOSEPH A. KOLASCH  
JAMES M. SLATTERY  
BERNARD L. SWEENEY\*  
MICHAEL K. MUTTER  
CHARLES GORENSTEIN  
GERALD M. MURPHY, JR.  
LEONARD R. SVENSSON  
TERRY L. CLARK  
ANDREW D. MEIKLE  
MARC S. WEINER  
JOE MCKINNEY MUNCY  
DONALD J. DALEY  
JOHN W. BAILEY  
JOHN A. CASTELLANO  
GARY D. YACURA  
THOMAS S. AUCHTERLONIE  
MARK J. NUELL, PH.D.

OF COUNSEL:  
HERBERT M. BIRCH (1905-1996)  
ELLIOT A. GOLDBERG\*  
WILLIAM L. GATES\*  
EDWARD H. VALANCE  
RUPERT J. BRADY (RET)\*  
F. PRINCE BUTLER  
FRED S. WHISENHUNT  
JAMES W. HELLWEGE

\*ADMITTED TO A BAR OTHER THAN VA



INTELLECTUAL PROPERTY LAW  
8110 GATEHOUSE ROAD  
SUITE 500 EAST  
FALLS CHURCH, VA 22042-1210  
U S A  
(703) 205-8000

FAX: (703) 205-8050  
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com  
web: http://www.bskb.com

CALIFORNIA OFFICE:  
COSTA MESA, CALIFORNIA

JAMES T. ELLER, JR  
SCOTT L. LOWE  
D RICHARD ANDERSON  
PAUL C. LEWIS  
MARK W. MILSTEAD\*  
RICHARD J. GALLAGHER  
JAYNE M. SAYDAH\*  
MARYANNE ARMSTRONG, PH.D  
HYUNG N. SOHN  
ALAN PEDERSEN-GILES  
KECIA J. REYNOLDS  
ROBERT L. SCOTT, II  
KALPANA REDDY

REG. PATENT AGENTS  
FREDERICK R. HENDREN  
MAKI HATSUMI  
CRAIG A. MCROBBIE  
GARTH M. DAHLEN, PH.D.  
ROBERT E. GOOZNER, PH.D.  
MATTHEW J. LATTIG  
TIMOTHY R. WYCKOFF  
KRISTI L. RUPERT, PH.D.  
LARRY J. HUME  
ALBERT K. LEE  
HRAYR A. SAYADIAN, PH.D.  
MATTHEW T. SHANLEY  
JASON W. RHODES  
CHRISTINA F. ANNICK

JC997 U.S. PTO  
09/778872  
02/08/01

Date: February 8, 2001

Docket No.: 2565-0225P

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a Request for filing a  continuation  divisional  
 continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 09/202,070 filed on December 8,  
1998, the entire contents of which are hereby incorporated by  
reference,  
by

Shusou WADAKA; Koichiro MISU; Tsutomu NAGATSUKA; Tomonori KIMURA  
and Shumpei KAMEYAMA

for

FILM ACOUSTIC WAVE DEVICE AND ITS MANUFACTURING METHOD AND  
CIRUCIT DEVICE

1.  Enclosed is an application consisting of specification,  
claims, declaration and drawings/photographs (if  
applicable).
2.  The filing fee has been calculated as follows:

New Rule 53(b) Divisional  
of SN 09/202,070  
Docket No. 2565-0225P

		<b>LARGE ENTITY</b>		<b>SMALL ENTITY</b>	
<b>BASIC FEE</b>		<b>\$710.00</b>		<b>\$355.00</b>	
NUMBER FILED		NUMBER EXTRA		RATE	Fee
<b>TOTAL CLAIMS</b>	43-20 =	23		x 18 =	\$414.00
<b>INDEPENDENT CLAIMS</b>	4-3 =	1		x 80 =	\$80.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED				+ \$270.00	+ \$135.00
		<b>TOTAL</b>		<b>\$1,204.00</b>	<b>\$0.00</b>

3.  A check in the amount of \$1,204.00 to cover the filing fee and recording fee (if applicable) is enclosed.

4.  Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.

5. Amend the specification by inserting before the first line thereof the following:

a.  --This application is a  continuation  divisional  continuation-in-part of co-pending Application No. , filed on , the entire contents of which are hereby incorporated by reference and for which priority is claimed under 35 U.S.C. § 120; and this application claims priority of Application No. filed in on under 35 U.S.C. § 119.--

b.  --This application is a  continuation  divisional  continuation-in-part of co-pending Application No. 09/202,070, filed on December 8, 1998 and for which priority is claimed under 35 U.S.C. § 120. Application No. 09/202,070 is the national phase of PCT International Application No. PCT/JP97/01442 filed on April 24, 1997 under 35 U.S.C. § 371. The entire contents of each of the above-identified applications are hereby incorporated by reference. This application also claims priority of Application No. filed in on under 35 U.S.C. § 119.--

**New Rule 53(b) Divisional  
of SN 09/202,070  
Docket No. 2565-0225P**

6.  Enclosed is/are thirty-three (33) sheet(s) of formal drawings and/or photographs.

7a.  A statement claiming small entity status was filed in prior Application No. 09/202,070 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.

7b.  The current application qualifies for small entity status.

8.  The prior application is assigned to Mitsubishi Denki Kabushiki Kaisha.

9.  A Preliminary Amendment is enclosed.

10a.  Priority of Application No(s). \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on \_\_\_\_\_.

10b.  Priority of International Appln. \_\_\_\_\_ filed on \_\_\_\_\_ under the Patent Cooperation Treaty and \_\_\_\_\_ Application No. \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ under 35 U.S.C. § 119 are hereby reclaimed.

11.  An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.

12.  Address all future communications to:  
  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
Telephone: (703) 205-8000  
**or**  
Customer No. 2292

13.  An extension of time for \_\_\_\_\_ ( ) month(s) until \_\_\_\_\_ has been submitted in parent Application No. 09/202,070 in order to establish co-pendency with the present application.

**New Rule 53(b) Divisional  
of SN 09/202,070  
Docket No. 2565-0225P**

14.  Also enclosed herewith is the following:

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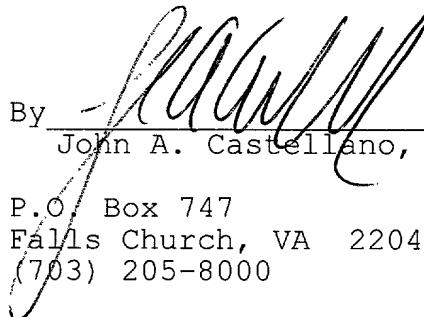
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

  
John A. Castellano, #35,094

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

JAC/JWR:law  
2565-0225P

Attachments

(Rev. 01/23/01)